

COUNCIL WORK MINUTES
OCTOBER 15, 2014

The City Council held a meeting on Wednesday, October 15, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgerson; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Library Director Steve Decker; Airport Manager Russ Volk.

OTHERS PRESENT: Thomas H. Jett, Melodie Anne Jett, Dave Jacobson (BLM), Trevor North, Diane North, Cindy Robinson, Tyson Kyhl, Jeff Lowe, Emma Smith, Dave Gale, Doug Hall, Holly Coombs.

CALL TO ORDER: Councilmember Marchant gave the opening prayer; the pledge of allegiance was led by Councilmember Rowley.

AGENDA ORDER APPROVAL: Councilmember Adams moved to approve the agenda order; second by Councilmember Marchant; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Black – I received a question from a citizen wanting to know why the Aquatic Center closes at 6PM on Saturday and is not open on the Sunday when the Golf Course and City Parks are. Dan – the Aquatic Center has been discussed over and over in P&R Board, one reason is that rental groups can rent at that time. When they set the hours they found that Saturday night was one with the fewest numbers. We can dabble with keeping it open on Sunday's, but I don't think we would have many people there. Black – we would like Jared to give us a report on Sunday play versus other days.

■Cozzens – the Happy Factory Gala on November 13th at the Sharwin Smith Center, my wife has tickets. Also, Dallin Staheli called and asked if I would discuss a few things with him on the upcoming Ice Rink season, they are looking at the 40' storage container, they want to buy another one and put it on top and put stairs in as an observation deck so it would be a little warmer for parents. We thought it was an excellent idea. They would put tempered glass windows in the container. The other is getting some panels for the Lake to consider leaving the Lake entrance open. Kevin Robinson is quoting 15 panels to make it secure for people to drive in and park their cars. I think it is a worthy thing to pursue and I think we will bring in more business. Black – would there be ADA problems with the second story container. Cozzens – no, we had Larry Palmer come up and discuss this with us. Black – if we open the road to the Lake, what would stop people from parking on the roadway and creating a bottleneck? Cozzens – I would hope they wouldn't do that. Black – that is what happened last year, it is an issue to discuss.

Rick – I would worry about how that would be enforced. Rowley – some cones along there would take care of that. Mayor – there were cones last year. Rowley – there were no options other than the road last year, if the other area is opened it may prevent that. Marchant – we can each go look at that and discuss it again. Rowley – when you think of the swimming pool it is mothers and grandmothers setting around the pool watching the kind, if we could provide that for the skating rink that would be good. Mayor – would you talk with the Fire Department about the heaters? Paul – they would have Tony Barney do it right. ■ Marchant – about the bull on the loose, you hear this and that, I feel our officers responded in a responsible manner and there to protect the citizens, unfortunately a few citizens were injured. The response coming from the public, we should be supportive of our Officers; they accomplished what they needed to. Kudos to the Police Department. Chief Allinson – I appreciate that, we have had a lot of social media interest, and the whole story is not available in print. The Officers spent a lot of time, over 30 minutes at one point keeping it contained before it busted across Main Street. And then it was a danger to the school children. It did charge one of my Officers and take him down and roll him and reared up and tried to come down on him. Black – they did what they needed to do by an elementary school. Chief – I am proud of what they did. Cozzens – I commend the Officers, but because we are in an agriculture community could we have one vehicle with a tranquilizer gun? Chief – to deal with an animal that size they don't go down quickly. We can talk with the local vets to see if that is possible. There was a lot of danger. Rowley – you would have had a hard time with a horse on asphalt. Chief – we had local ranchers on the way, they didn't get there in time. Cozzens – how much damage? Chief – too much, the cars are operable, but they do need body work.

PUBLIC COMMENTS: ■ Emma Smith – I have a complaint on stupid chicken, can we have them put their coops in the middle of the yard so they get the aroma and the flies. Cozzens – we have an ordinance. Rick – a distance from a dwelling, but not in the middle of the yard. Rowley – how many chickens? Emma – 6, but they don't clean the chicken coop. Cozzens – you need to talk with your neighbors. Adams – that is the neighbor behind you? Emma – yes, but I get all the flies and aroma, if they got that they would get rid of them. ■ Cindy Robinson – I am here to let you know you have another choice for Iron County Clerk, I am a write-in candidate. I am running on experience and knowledge of the Clerk's office. I have worked with the current Clerk, David Yardley for 23 of 28 years. I am experienced in elections, I have been involved in 46 elections, I and David have done the elections since 2005, and I do know how to start an election, go through and wrap the election up. As a note, for this year's election, we started training today with election judges, early voting starts next week, Monday through Friday, 9-5; we appreciate Cedar allowing us to have a polling place here. I work with Renon on her elections. I have a good report with all the clerks in the County. I would ask you to read up on me and if you find me qualified write me in. Rowley – usually the polls are open in the morning one day and the afternoon the next day. Cindy – that is for City elections, we keep it open all day for the County/State elections.

CONSIDER A MEMORANDUM OF UNDERSTANDING WITH THE BLM FOR THUNDERBIRD GARDEN – DAVE JACOBSEN/DAN RODGERSON: Dave

Jacobsen – I have worked with the City Attorney to work out some kinks. Under the City's portion of the agreement the Maintenance and access we clarified that it could be paved or unpaved access. Also nothing will bind future City Councils. The BLM portion we clarified #17 to leave the current motorized routes opened for future. We also added #18 to work through the liability; the BLM would accept the liability and hold harmless the City. We also added that once we constructed the trails, they would stay in place in perpetuity; we realize it may not be forever. Black - #10 on the City, if we sign an MOU wouldn't that bind future councils. Mayor – our concern is binding future councils with the restrooms and future improvement costs. It says they will work together in the future. Black - the sign on Main Street, is that directional? Rick – I think it would. There is also an item to bail out with a 30 day notice for either party. Black – how will we ever stop the shooting range, how will we address it? Chief – it will take education to get it stopped, it will be a challenge. Black – is there discussion in making a portion of that a shooting range? Rick – we have never had that discussion, when we were looking at a new range with the County, we knew that location was a possibility, but we did not pursue it because of the homes in the area. Cozzens – I have similar concerns. Dave – we will not do anything at first, but put up educational signs for a few months before we construct the trail. Cozzens – I asked Dave Gale to come and address that. Dave Gale – we had a shooting range by Wal-Mart for years, I am a Hunter Education instructor, most of our classes are November, December and January, and the days are short. It takes too long to get out to the new range before dark for a shooting test. I usually have 30-50 kids in a class, but I have every class that a few people I have to accommodate a different time period because they are involved in other activities and we take them to do a shooting test. I have used the area for years in the dikes area, I would propose a designated shooting area where we can still shoot and accommodate the hikers. A hunter safety class is only a 50 foot shoot, the dikes are about 100 feet across, there is a safe background and the noise is contained, I have never had anyone complain or approach me. I have had Police Officers and Sheriff Officers kids in the class and they have supported me. That is my concern. Marchant – do you currently conduct the classes there now? Dave – not now, but the classes are in the next few months. Marchant – when you have a class is that where you shoot? Dave – no, only for the few I have to accommodate, the bulk of the class goes to the Shooting Range. It is usually only a few kids, it is quick to get there and it is safe. Rowley – which direction do you shoot, to the north? Dave – in the dikes area from south to north. Rick – one concern I have, if we allow people to go out for a good hunters safety class to shoot 22, are we sending the message that they can shoot anything. This is in the City limits. Cozzens – we shoot skeet in the City Limits. Dave – many people shoot in the area. Dave Jacobsen – one trail to the east, one to the north and the razorback trail. Those things don't coexist very well, but it is possible. There may be a place up the canyon we could find by the Archery club range. Dave Gale – we teach the students to not shoot at rocks because they ricochet, and there are too many rocks up there. Black – we have got to decide what we want that to be before we vote on the MOU; it is only as good as we can enforce it. Dave J. – we realize that, shooters won't feel comfortable there once there are trails. I think the use would change over time. Cozzens – I called the Chief before the meeting. Can we do a sunset clause for a year? Dave Gale – the activities for picnic and hiking are in an area $\frac{1}{2}$ - $\frac{3}{4}$ a mile where the shooting takes place, maybe a mile. Cozzens – what if you

went up the canyon to the north? Dave – there may be an area. Dave Jacobsen – we could change the route of the trail. Dave G. – you will have some that won't respect what you do, but most will. I have seen the black powder hunters use this as a designated shoot. Chief Allinson – I look at compatible use, it is not the responsible shooter that you worry about, to try and police that and protect the public, you have trails, but they may go off trail and be in an area where there is shooting. Rowley – in my opinion because there is a place to legally shoot I don't think we should throw out the project because of some that shoot there. If it is in the city limits shooting is not allowed. I don't think we should scrap the MOU. Mayor – we are concerned about people staying in the designated area for shooting, over time it will decrease. Rowley – after the first few tickets word would get out. In Santa Clara when we enlarged our boundaries where shooting occurred, people had to stop. Rick – what about the area north of Fiddlers up against the hill, it is on BLM property, outside the city limits and easily accessible and not where we have other activities. Dave J. – we don't do shooting ranges, but we would do an RP&P to a city or county to do this. Chief – if we enforce in this area the public will go somewhere to shoot, they will find a place to go, and where Rick is talking may be a good alternative. Rick – that would be temporary because we are looking at long term water storage and that is in the area. Black – is there not concerns with lead? Dave J – that is why we don't allow shooting ranges. Dave G. – we teach people in class to be good stewards, not shoot signs, etc. you need to be aware of things and we try and teach people. Cozzens – you teach the youth good things, and I appreciate them, they are teaching our kids to be responsible. Rick – when Doug Bolton said go there it was the best place to go, but we have expanded. Black – is there a time frame, or do we have some time? Dave J. – we have time, we are still prioritizing. Next work meeting.

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CITY'S ZONING ORDINANCE RELATED TO PARKING REQUIREMENTS FOR THEATERS, AUDITORIUMS, STADIUMS, SPORTS ARENAS, GYMNASIUMS

– PAUL BITTMENN: Rowley – this came before the Planning Commission, the theatre parking lot never gets full but we need to comply with legal requirements. They entered into an agreement with Gold's Gym for additional parking spaces so they can add three megaplex theatres to the building. There are a few towns that have 5 seats to one parking spot and the Planning Commission approved it unanimously. Marchant – they have looked at various options, we won't create a hardship. Rick – they were going to do some counts of actual cars with new movie evenings, did they present that? Rowley – yes, and they had plenty of spaces.

Mayor Wilson opened the public hearing. The proposal is changing from 4 seats to 1 parking spot to 5 seats to 1 parking spot. There were not comments. The hearing was closed. Action meeting.

CONSIDER APPROVAL OF A GRANT CONTRACT WITH DEPARTMENT OF HERITAGE AND ARTS, UTAH STATE LIBRARY DIVISION FOR \$1,000 FOR INDIGENOUS MONTH: CELEBRATING CEDAR CITY'S HERITAGE AND CULTURE – STEVE DECKER:

Steve – I am here to receive approval to get the \$1,000 for this project, it will take place in November. Also to talk about the practically

of these items having to come to the City Council. We have a purchasing policy to spend money; it seems redundant for an item such as this to get money when spending it is set in the parameters.

Rick – I have spoken with Paul, we will bring back recommended language to give you relief from these types of items. Consent.

CONSIDER APPROVAL OF UPDATED AIRPORT RULES AND REGULATIONS AND MINIMUM STANDARDS – RUSS VOLK:

Russ – at the last Airport Board Meeting I presented some changes, one is minimum requirements for fixed base operator (FBO's) and one for the Helicopter school regulations in the standards. The ones for the FBO's there is requirement for expanded fuel capability. For the Helicopter Flight School is from a meeting as to refinements to their use of the Airport. Rowley – charter planes you have to have a plane ready to go. Russ – you can have it off site for 3 weeks for maintenance. The board was unanimous in the support of the changes. Action.

CONSIDER RFP'S FOR THE INTERSTATE 15 BILLBOARDS – DANNY STEWART:

Danny – we have had discussion on repairing the billboard being expensive to maintain, especially with the lighting. We have repaired section after section. We sent an RFP to consider changing the billboards to remove the lighting and to place frame for a stretch banner in its place. We had 3 companies respond, Rainbow, Star Sign & Banner and YESCO, and all were similar in meeting the requirements. The frame is in place, built onto the panel. Rowley – can you get 12 signs and rotate them through without a lot of trouble. Danny – in talking with the sign companies this is what they recommend to not get damage, especially the south sign with the winds. Rowley – will there be more than one image on the canvas? Danny – currently people are coming by at freeway speed, too much information they miss it. The bids are all for one time sign, the replacement it to change the canvass. It could display more than one thing, but we want it to be tasteful. Rowley – the current sign is readable, and it has 3 different things. Black – have we talked with SUU about having Home of SUU and have them be a partner. I would hope that would happen. Danny – with the different cabinets they are different sizes and it has created issues. Two are similar with the replacement, one is about half so I checked and that is for both signs. We can rebid when we do that new signs. They are saying the life of a sign is up to two years, but could be diminished on the south. Rowley – do you have a break down on the printing versus the installing so you could have 4 that you change out? Danny – if they are printed all together, they can be changed in a day. Rainbow did have a bid with changing it seasonally and it is the replacement cost 4 times. We looked at putting stones and structurally the signs won't hold it. The back side is not addressed other than cleaning it up. There is a frame on the back that says shop Cedar first. Mayor – the frames will all be the same size? Danny – yes, when they print they will be the same size.

Rick – if you went with low which is YESCO they can get it up and if you want to budget over time 4 replacements you could go to Rainbow. Black – will another company's signs fit? Danny – yes, they are a specification. Mayor – if you change them out 4 times

a year can you save the sign and reuse it? Danny – yes, that is my understanding, but it will take storage space. Black – is YESCO local? Danny – Las Vegas and Salt Lake with a representative in St. George. The lighting will be below and it will save a lot of money over time. They are led lights. Rowley – have you checked solar? Danny – no, we could do that. Go with low bid without replacement signs. Rowley – consider different images for each sign. Danny – we want imagery of active lifestyle, which will be decided. Mayor – will you also talk with SUU? Yes.

CONSIDER CLASSIFICATION/COMPENSATION STUDY AGREEMENT –

RICK HOLMAN: Rick – we did not have an agreement when it was before you, we know have that. We have negotiated it down to \$9,900, and we want authorization for the Mayor to sign. Rowley – you feel we will get what we need done? Rick – yes. Black – will we still be able to see the cities we are comparing to? Rick – yes. We can bring back a proposed format of the cities/organizations. Action.

EXECUTIVE SESSION – PROPERTY NEGOTIATIONS

ADJOURN: Councilmember Rowley moved to adjourn and move into an executive session at 6:45 p.m.; second by Councilmember Marchant; vote unanimous.


Renon Savage, CMC
City Recorder